

Doc Code:

PTO/SB/64/PCT (10-05)

Approved for use 03/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)

0094.065WO

First Named Inventor: **Brian Benicewicz**

International (PCT) Application No.: **PCT/US2004/016718**

U.S. Application No.:
(if known)

Filed: **May 27, 2004**

Title: **LOW ODOR CHAIN TRANSFER AGENTS FOR CONTROLLED RADICAL POLYMERIZATION**

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371 (c) requirement(s)) in the form of _____ (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

06/30/2005 GFREY1 00000060 10583681

04 FC:2453 750.00 0P

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code:

PTO/SB/64/PCT (10-05)
Approved for use through 03/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

Philip E. Hansen

Typed or Printed Name

Heslin Rothenberg Farley & Mesiti P.C.

Address

5 Columbia Circle, Albany, New York 12203

Address

June 19, 2006

Date

32,700

Registration Number, if applicable

(518) 452-5600

Telephone Number

Enclosures: ☐ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify):

Statement under 37 CFR 1.137(b)

Return receipt postcard

STATEMENT UNDER 37 CFR 1.137(b)

AP20 Rec'd PCT/PTO 19 JUN 2006

Sir:

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The circumstances surrounding the delay are as follows. Charles F. Rancourt, Director of the Office of Technology Commercialization at Rensselaer Polytechnic Institute, notified Dr. Brian Benicewicz, Director of the New York State Center for Polymer Synthesis located at Rensselaer Polytechnic Institute, that a decision for National Phase entry into the United States from the PCT application (PCT/US2004/016718) needed to be made. C. Rancourt sent the notification to Dr. Benicewicz via e-mail on November 11, 2005. C. Rancourt's e-mail made clear that the deadline for National Phase entry was November 30, 2005 and unless he heard otherwise from Dr. Benicewicz, C. Rancourt was going to forego National Phase entry and let the PCT application become abandoned. C. Rancourt did not receive a reply from Dr. Benicewicz in regard to the November 11, 2005 e-mail. C. Rancourt then sent an e-mail to his patent counsel, Heslin Rothenberg Farley & Mesiti (HRFM), and a copy to Dr. Benicewicz instructing HRFM not to proceed with the National Phase entry into the US and let the PCT application become abandoned.

On March 24, 2006, Dr. Benicewicz became aware during a meeting with C. Rancourt discussing other items, that National Phase entry into the US from PCT/US2004/016718 was not undertaken. Dr. Benicewicz was surprised and upset upon hearing this news. Dr. Benicewicz did not want the PCT application to go abandoned. On the contrary, he was expecting the continued prosecution of the PCT application because Dr. Benicewicz was actively pursuing licensing the technology being patented. C. Rancourt explained that he notified Dr. Benicewicz of the deadline for National Phase entry via e-mail, but did not receive a response from him.

Dr. Benicewicz noted that he did not recall receiving any e-mail notifications from C. Rancourt. And if Dr. Benicewicz had received the e-mail notifications, he may have confused them with other e-mails due to the large volume Dr. Benicewicz receives on a daily basis, or may not have realized the subject matter or the importance of it, and simply disregarded the notifications. If Dr. Benicewicz had been aware of the plans to forego National Phase entry into

the US, he would have immediately contacted C. Rancourt to express interest in entering the US and continued prosecution of the PCT application.

C. Rancourt then immediately contacted his patent counsel on March 24, 2006 to determine a course of action for reviving the unintentionally abandoned PCT patent application.

Respectfully submitted,



Philip E. Hansen

Agent for Applicant

Registration No. 32,700

Date: June 19, 2006

HESLIN ROTHENBERG FARLEY & MESITI P.C.

5 Columbia Circle

Albany, New York 12203

Telephone: (518) 452-5600

Facsimile: (518) 452-5579